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HOUSE BILL 849

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Keith J. Gardner

AN ACT

RELATING TO CHARITABLE ORGANIZATIONS; AMENDING THE CHARITABLE SOLICITATIONS ACT TO REQUIRE CERTAIN INFORMATION TO BE FILED WITH THE ATTORNEY GENERAL.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 57-22-6 NMSA 1978 (being Laws 1983, Chapter 140, Section 6, as amended) is amended to read:

"57-22-6. FILING OF REQUIRED DOCUMENTS.--

A. A charitable organization existing, operating or soliciting in the state, unless exempted by Section 57-22-4 NMSA 1978, shall register with the attorney general on a form provided by the attorney general; correct [~~any~~] deficiencies in its registration upon notice of deficiencies provided by the attorney general; and provide a copy of its IRS Form 1023 or IRS Form 1024 application for exempt status with its

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1 registration.

2 B. The attorney general shall notify each
3 charitable organization required to register within ten
4 business days of ~~his~~ receipt of the registration form of
5 ~~any~~ deficiencies in the registration and may make rules in
6 accordance with the State Rules Act, as are necessary for the
7 proper administration of this section, including:

8 (1) requirements for filing additional
9 information, including disclosure of professional fundraising
10 counsel retained by the charitable organization; and

11 (2) provisions for suspending the filing of
12 reports or granting an exemption from the registration and
13 reporting requirements of this section for a charitable
14 organization subject to audit, registration, charter or other
15 requirements of a statewide, regional or national association
16 and if it is determined that such reports or registration is
17 not necessary for the protection of the public interest.

18 C. In addition to ~~any~~ other reporting
19 requirements pursuant to the Charitable Solicitations Act,
20 every charitable organization that has received tax-exempt
21 status pursuant to Section 501(c)(3) of the federal Internal
22 Revenue Code of 1986, as amended, and is required to file a
23 form 990, 990EZ or 990PF pursuant to the Internal Revenue Code
24 of 1986, as amended, shall file that form and the accompanying
25 schedule A annually with the office of the attorney general up

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1 to six months following the close of the charitable
2 organization's fiscal year. Extensions of time for filing may
3 be allowed at the discretion of the attorney general for good
4 cause shown. Such forms shall be public records and available
5 for public inspection. Organizations that do not file a form
6 990, 990EZ or 990PF pursuant to the Internal Revenue Code of
7 1986, as amended, shall file an annual report, under oath, on
8 the form provided by the attorney general for that purpose. A
9 charitable organization that received total revenue in excess
10 of five hundred thousand dollars (\$500,000) shall be audited by
11 an independent certified public accountant. Audits shall be
12 performed in accordance with generally acceptable accounting
13 principles. A charitable organization shall correct ~~[any]~~
14 deficiencies in an annual report upon notice of deficiencies
15 provided by the attorney general.

16 D. In addition to other reporting requirements, no
17 later than May 1 of each year, a charitable organization shall
18 file the following information with the attorney general. All
19 information filed shall be a public record and available for
20 public inspection:

21 (1) the total compensation paid to each
22 director and officer during the previous calendar year;

23 (2) the total amount expended during the
24 previous calendar year for lobbying the state or the United
25 States and any of their agencies, branches, political

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1 subdivisions or institutions, and the recipient of each
2 expense;

3 (3) the total amount expended during the
4 previous calendar year for political contributions and the
5 recipient of each expense; and

6 (4) the total amount received during the
7 previous calendar year from any for-profit entity, owned in
8 whole or in part by the charitable organization.

9 ~~[D-]~~ E. A charitable organization that fails to
10 register before a solicitation is made or fails to timely file
11 its tax filings with the attorney general pursuant to
12 Subsection C of this section or the information required to be
13 filed pursuant to Subsection D of this section may be assessed
14 a late filing fee of one hundred dollars (\$100).

15 ~~[E-]~~ F. The attorney general may accept information
16 filed by a charitable organization with another state or the
17 federal government in lieu of the registration and reporting
18 requirements of the Charitable Solicitations Act if such
19 information is determined by the attorney general to be in
20 substantial compliance with the registration and reporting
21 requirements of that act."